

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 23511 of 2004

Between:

R. Jayapala Rao, S/o. R. Nagabhushanam,
O/o. Deputy Executive Engineer, Sub Division No.IV of Division-III, Thorrur,
Warangal District.

..... PETITIONER

AND

- 1 The Government of Andhra Pradesh, Rep. by its Principal Secretary,
I & CAD Department, Secretariat, Hyderabad.
- 2 The Engineer-in-Chief, I & CAD Department,
Erramanzil, Hyderabad.
- 3 Mr. S. Prakash, Deputy Executive Engineer,
division No.3, GVC-II, Sub division No.3, Peddapally, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of "Certiorari" calling for the records relating to order dated 14-12-2004 passed in O.A.No.6588/2004 by the Andhra Pradesh Administrative Tribunal, Hyderabad and order issued in G.O.Rt.No.1647 I & CAD (Ser.I.2) Department dated 02-12-2004 issued by the 1st respondent cancelling the transfer order dated 18-11-2004 issued by the 2nd respondent in favour of the petitioner posting to the unit of Chief Engineer, SRSP Stage-II & FFC Warangal and consequential posting to Sub division No.4 of Division-III, Thorrur, SRSP Stage-II Circle and set aside the same as illegal,

arbitrary, discriminatory, motivated and contrary to G.O.Ms.No.767 dated 21-08-2002, against the principles of natural justice and consequently direct the official respondents to continue the petitioner as Deputy Executive Engineer, Sub Division No.4 of Division-III, Thorrur, Warangal District.

Counsel for the Petitioner:MR.M.RATNA REDDY

Counsel for the Respondent Nos.1 & 2: GP FOR IRRIGATION & COMM AREA DEV.

Counsel for respondent No.3: P.Naveen Rao

The Court made the following :

ORDER: (PER GB.J)

1) This writ petition is filed assailing the order passed in O.A.No.6588 of 2004, dated 14.12.2004 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad.

2) The matter relates to the transfer of the petitioner. The petitioner was transferred from Thorrur, Warangal District to a different place in the same zone, but, however, the Tribunal under an impression that it is an inter zonal transfer, refused to interfere with the transfer order and dismissed the O.A. Now it is conceded before this Court that the transfer is within the zone. Under those circumstances, we find it appropriate

that the matter should be considered afresh by the Tribunal.

3) Hence, the order under challenge is set aside. The matter is remitted back to the Tribunal for fresh consideration. The Tribunal shall pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to both the parties.

4) The writ petition is accordingly allowed. No costs.

G.BIKSHAPATHY.J.,

P.S.NARAYANA.J.,

Dt.22.03.2005

c.c.in 3 days

B/o

tjs

To

1. The Principal Secretary, I & CAD Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
2. The Engineer-in-Chief, I & CAD Department, Erramanzil, Hyderabad.
3. The Registrar, A.P. Administrative Tribunal, Hyderabad.
4. 2 CCs to the G.P. for Irrigation & Command Area Development, High Court of A.P., Hyderabad. (OUT)

5) 2 CD copies.